STATE PERSONNEL BOARD, STATE OF COLORADO Case No. 2001B119

ORDER GRANTING MOTION TO DISMISS AND INITIAL DECISION

HOLLY HUIZINGH,

Complainant,

vs.

DEPARTMENT OF HIGHER EDUCATION, STATE BOARD OF AGRICULTURE,
COLORADO STATE UNIVERSITY,

Respondent.

This matter is before the Administrative Law Judge on respondent's Motion to Dismiss. The following findings and Order are entered.

- 1. On August 23, 2001, respondent filed a motion to dismiss complainant's appeal on grounds that complainant resigned her position on July 10, 2001, and is no longer employed by the agency, alleging that complainant's employment was never terminated, which was the basis of this appeal, but rather, complainant was placed on leave under the Family and Medical Leave Act, and complainant's only separation from employment was her voluntary resignation of July 10, 2001.
- 2. Complainant did not respond to respondent's motion; respondent's allegations are therefore taken as true.
- 3. Accordingly, pursuant to R-8-42, 4 CCR 801, respondent's motion is deemed confessed, and complainant's appeal is hereby dismissed with prejudice.

Dated this 5th day of September, 2001, at Denver, Colorado

Robert W. Thompson, Jr. Administrative Law Judge

CERTIFICATE OF SERVICE

This is to certify that on the _	day of September, 2001, I placed true and correct
copies of the foregoing ORDI	ER GRANTING MOTION TO DISMISS AND INITIAL
DECISION in the United State	es mail, postage prepaid, addressed as follows:

Holly Huizingh 913 East Lake Street Fort Collins, CO 80524

and via courier pick-up, to:

Carol Caesar Assistant Attorney General Office of the Attorney General Employment Section 1525 Sherman Street, 5th Floor Denver, CO 80203